

HOUSE BILL 2139
By Odom

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, Part 1, relative to price gouging.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by deleting the word "and" at the end of subdivision (32); by changing the period (.) at the end of subdivision (33) to a semicolon; and adding the word "and"; and by adding the following language as a new subdivision (34):

(34) During any period of abnormal market disruption, charging the consumer a price for goods or services that is grossly in excess of the price generally charged for the same or similar goods or services in the usual course of business immediately prior to the onset of the abnormal market disruption.

SECTION 2. Tennessee Code Annotated, Section 47-18-103, is amended by adding the following language as a new, appropriately designated subdivision:

() "Abnormal market disruption" refers to any stress in a consumer market resulting from weather conditions, acts of nature, failure or shortage of a source of energy, a strike, civil disorder, war, national or local emergency, or other extraordinary circumstance;

SECTION 3. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. Evidence that:

(1)

(i) an amount charged for a good or service represents a gross disparity between the price of such good or service which was the subject of the transaction and the price at which such good or service was sold or offered for sale by the seller in the usual course of business immediately prior to the onset of the abnormal market disruption, or

(ii) the amount charged grossly exceeds the price at the which the same or similar good or service was readily obtainable by other consumers in the trade area; and

(2) the amount charged by the seller was not attributable to additional costs incurred by the seller in connection with the sale of such good or delivery of such service,

shall constitute prima facie evidence that a price is grossly in excess of the price generally charged for a good or service.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.